



# Ukraine crisis. The EU Council adopts a package of measures towards Russia

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📖 EU AND COMPETITION LAW, CONSTITUTIONAL AND INTERNATIONAL LAW, PERSPECTIVES

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**O**n 24 February 2022, European Council's President *Charles Michel* urgently called for an extraordinary meeting to discuss the situation in Ukraine following the military actions put in place by the Russian Federation.

The decision follows the package of measures the Council adopted on 23 February 2022 to respond to Russia's

decision to recognize the non-government controlled areas of the Donetsk and Luhansk *oblasts* of Ukraine as independent entities and to send into Ukraine Russian troops, thereby amending Regulation (EU) No 269/2014<sup>1</sup> and Decision 2014/145/CFSP<sup>2</sup>.

More particularly, the measures adopted by the Council can be grouped into 3 categories.

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<sup>1</sup> Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, OJ L 78 of 17.03.2014.

<sup>2</sup> Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, OJ L 78 of 17.03.2014.



In the first place, the EU will extend restrictive measures<sup>3</sup> such as, amongst others, an asset freeze, a prohibition from making funds available and a travel ban from entering or transiting through EU territory to all the 351 members of the Russian State Duma who voted in favour of recognising the independence of the self-proclaimed Donetsk and Luhansk republics and to 27 high profile individuals and entities (such as i) members of the government, ii) banks and businesspersons/oligarchs supporting financially or materially Russian operations in the Donetsk and Luhansk territories or benefitting from them, iii) senior military officers involved in the invasion and destabilisation actions, and iv) individuals responsible for leading a disinformation war against Ukraine) who played a role in undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

In the second place, restrictions targeting trade<sup>4</sup> from the non-government controlled areas of the Donetsk and Luhansk *oblasts* to and from the Union, such as i) an import ban on goods from the above-mentioned areas, ii) restrictions on trade and investments related to certain economic sectors, iii) a prohibition from supplying tourism services and iv) an export ban for certain goods and technologies in the transport, telecommunications, energy, prospecting, exploration and production of oil, gas and mineral resources sectors.

In the third place, a sectoral prohibition to finance Russia, its government and Central Bank<sup>5</sup>. More particularly, the

Council prohibited the direct or indirect purchase or sale of, the direct or indirect provision of investment services for or assistance in the issuance of, or any other dealing with transferable securities and money-market instruments issued after 9 March 2022 by those entities. Furthermore, the Council prohibited them from directly or indirectly extending, or being part of any arrangement to extend, any new loans or credit after 23 February 2022, with the exception of those having a specific and documented objective to provide financing for non-prohibited imports or exports of goods and non-financial services between the Union and any third State.

In its conclusions<sup>6</sup> following the extraordinary meeting, the Council condemned Russia's aggression against Ukraine, which it considers in violation of international law and the principles of the UN Charter and undermining European and global security and stability. The Council has demanded that the Russian Federation immediately ceases its military actions, withdraws unconditionally all forces and military equipment from the entire territory of Ukraine and fully respects Ukraine's territorial integrity, sovereignty and independence within its internationally recognised borders. Furthermore, the Council agreed on further restrictive measures that will impose severe consequences on Russia, covering, amongst others, the financial sector, and those of energy and transport, dual-use goods, export control and export financing, and visa policies.

According to Article 215 of the Treaty on the Functioning of the European Union

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<sup>3</sup> Council Decision (CFSP) 2022/265 of 23 February 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine and Council Decision (CFSP) 2022/267 of 23 February 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, OJ L 42I of 23.2.2022.

<sup>4</sup> Council Decision (CFSP) 2022/266 of 23 February 2022 concerning restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas, OJ L 42I of 23.2.2022.

<sup>5</sup> Council Decision (CFSP) 2022/264 of 23 February 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, OJ L 42I of 23.02.2022.

<sup>6</sup> Available at the following [LINK](#).

(TFEU)<sup>7</sup>, the European Commission and the High Representative of the European Union for Foreign Affairs and Security

Policy will now prepare their proposals, which are expected to be adopted by the Council without delay.

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<sup>7</sup> Article 215 TFEU states: “... Where a decision, adopted in accordance with Chapter 2 of Title V of the Treaty on European Union, provides for the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries, the Council, acting by a qualified majority on a joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission, shall adopt the necessary measures. It shall inform the European Parliament thereof.

*Where a decision adopted in accordance with Chapter 2 of Title V of the Treaty on European Union so provides, the Council may adopt restrictive measures under the procedure referred to in paragraph 1 against natural or legal persons and groups or non-State entities.*

*The acts referred to in this Article shall include necessary provisions on legal safeguards...”*






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